

2:01 CV 233  
**FILED**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEB 12 2004

At \_\_\_\_\_ M  
STEPHEN R. LUDWIG, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

IN RE: ASBESTOS PRODUCTS  
LIABILITY LITIGATION (No. VI)

THIS DOCUMENT RELATES TO:

CIVIL ACTION NO. MDL 875

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

Law Offices of Cascino Vaughan

United States District Court,	)
Northern District of Illinois	)
Central District of Illinois	)
Southern District of Illinois	)
Eastern District of Wisconsin	)
Western District of Wisconsin	)
Southern District of Indiana	)
Northern District of Indiana	)
	)
<u>Miscellaneous Plaintiffs as attached v.</u>	)
<u>ChevronTexaco, Chevron U.S.A. and</u>	)
<u>Texaco Inc.</u>	)

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**MOTION FOR A FINDING OF GOOD FAITH SETTLEMENT  
AND/OR APPROVAL OF COURT  
AND FOR ENTRY OF ORDER OF DISMISSAL**

Defendant, ChevronTexaco and/or Chevron U.S.A., Inc. and/or Texaco Inc., ("Defendant"), by its attorneys Michael T. Trucco, James P. Arrigo and Jenni L. Young of STAMOS & TRUCCO, Plaintiffs, in Addendum A by their attorneys Allen D. Vaughan of Cascino Vaughan Law Offices do hereby moves this Court for entry of an order of finding of good faith and/or approval regarding the settlement agreement between the above-captioned (as attached) Plaintiff(s), and Defendant. In support of its motion, Defendant states as follows:

1. In this action, Plaintiff alleges that the decedent was exposed to asbestos and/or asbestos-containing materials while working at facilities owned and/or operated by Defendant and/or to materials manufactured and/or sold and/or distributed by Defendant and that Defendant was negligent with respect to those alleged exposures. Defendant has denied each of Plaintiff's material allegations.

2. Plaintiff and Defendant have entered into a binding settlement agreement. In exchange for dismissal of Defendant from these matters, Plaintiff and their attorneys, Cascino Vaughan Law Offices, Ltd., have agreed to dismiss Chevron Texaco from pending cases of un-impaired, non-malignant claimants (attached). In exchange, un-impaired, non-malignant claimants shall have the right, at their option, to file a subsequent tort action or receive the compensation below stated should they become impaired and/or secondarily malignant provided they supply Chevron Texaco with the appropriate medical/exposure documentation.

i.	Mesothelioma	\$4,000
ii.	Lung Cancer	\$1,800
iii.	Other Cancer	\$450
iv.	Impaired, Non-Malignant	\$450

3. Settlement of disputes is to be encouraged. Gilberts v. Sycamore Mun. Hosp., 156 Ill. 2d 511, 622 N.E.2d 788 (1993). Public policy favors compromises and settlements and a presumption of validity of such settlements arises when they are entered into without mistake or fraud. Nationwide Art Center, Ltd. v. Daley, 149 Ill. App. 3d 508, 501 N.E.2d 171 (1<sup>st</sup> Dist. 1986), appeal denied, 114 Ill. 2d 547 (1987). A release is also presumed valid and any attempt to rebut this presumption requires proof by clear and convincing evidence. Brown v. Torin Corp., 175 Ill. App. 3d 544, 529 N.E.2d 1077 (1<sup>st</sup> Dist. 1980).

4. Defendant and Plaintiffs request that this Court hold that this settlement is in good faith, within the meaning of the Illinois Joint Tortfeasor Contribution Act, 740 ILCS 100/0.01, et seq., and particularly 100/2(c) and (d) therein, so as to act as a bar against any and all claims for contribution against Defendant.

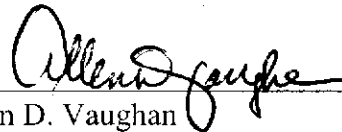
5. Further, Defendant and Plaintiffs request that this Court enter the attached stipulation for dismissal pursuant to the settlement.

WHEREFORE, Defendant and Plaintiffs respectfully request that this Court: (a) find the settlement between it and Plaintiff(s) has been entered into in good faith pursuant to the Illinois Joint Tortfeasor Contribution Act and (b) enter the attached final order of dismissal, without prejudice, pursuant to the settlement agreement and release between Defendant and Plaintiff.

Respectfully submitted,



One of the Attorneys for Defendant,  
ChevronTexaco and/or Chevron U.S.A., Inc.  
and/or Texaco Inc.



Allen D. Vaughan  
One of the Attorneys for Plaintiffs

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**FILED**

FEB 12 2004

IN RE: ASBESTOS PRODUCTS LIABILITY :  
LITIGATION (NO. VI) :

At \_\_\_\_\_ M  
STEPHEN R. LUDWIG, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

This Document Relates To: : CIVIL ACTION NO. MDL 875

Northern District, State of Indiana :

(See Attachment A for case list) :

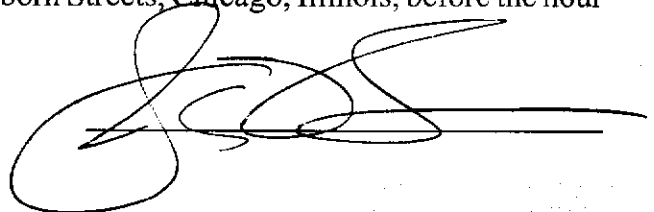
**NOTICE OF FILING**

TO: Attached Service List

PLEASE TAKE NOTICE that on **February 11, 2004**, we filed, via First Class Mail, with the Clerk of the United States District Court for the Northern District of Indiana, **Defendants, ChevronTexaco, Chevron U.S.A., Inc. and Texaco Inc.'s, Motion for a Finding of Good Faith Settlement and/or Approval of Court and for Entry of Order of Dismissal and Proposed Order**, copies of which are attached and hereby served upon you.

In addition, a copy of the **Motion and Order** referenced above was sent via Federal Express to the United States District Court for the Eastern District of Pennsylvania, Judge Charles R. Weiner, In Re: Asbestos Product Liability Litigation, MDL No. 875, Pretrial Order No. 1, Section I.A.

PLEASE TAKE FURTHER NOTICE that I have caused a copy of the aforementioned pleadings to be served via first class mail, postage prepaid, to the above counsel by depositing same in the U.S. Mail located at Monroe and Dearborn Streets, Chicago, Illinois, before the hour of 5:00 p.m. on **February 11, 2004**



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James P. Arrigo -- Atty No. 6224400  
Jenni L. Young  
STAMOS & TRUCCO  
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Chicago, Illinois 60603

		Attachment A		
Last Name	First Name	Case No.	St.	District
Acevez	Louis	2:01CV233RL	IN	NORTHERN
Allen	James	2:00CV639RL	IN	NORTHERN
Alvarez	Eugeno	2:00CV 641RL	IN	NORTHERN
Anderson	Larry	2:97CV-325-JM	IN	NORTHERN
Armstrong	Vernon	2:00CV642RL	IN	NORTHERN
Azpeitia	Joel	2:00CV643JM	IN	NORTHERN
Bailie	Paul	2:00CV 644	IN	NORTHERN
Bana	Alex	96CV-062RL	IN	NORTHERN
Bandwick	Daniel	2:00CV 645RL	IN	NORTHERN
Barnes	Monroe	2:00CV 646JM	IN	NORTHERN
Bascom	Richard	95CV-228RL	IN	NORTHERN
Bayless	Benjamin	2:00CV 647RL	IN	NORTHERN
Belleville	Charles	2:00CV649RL	IN	NORTHERN
Berber	Robert	2:01CV234JM	IN	NORTHERN
Berdine	Larry	2:01CV 044RL	IN	NORTHERN
Bergner	Charles	2:00CV 650RL	IN	NORTHERN
Blackmon	Roland	2:00CV 651JM	IN	NORTHERN
Bochenek	Marion	2:00CV648JM	IN	NORTHERN
Bolinger	Richard	95CV-228RL	IN	NORTHERN
Bonfiglio	Frank	2:00CV 00652	IN	NORTHERN
Bovenkerk	Paul	2:00CV 00654	IN	NORTHERN
Bow	Curtis	2:01CV 050JM	IN	NORTHERN
Bow	Paul	2:01CV196JM	IN	NORTHERN
Bowens	Nemih	96CV-062RL	IN	NORTHERN
Bowens	Willie	96CV-062RL	IN	NORTHERN
Boyce	Brian	2:00CV655JM	IN	NORTHERN
Brauer	Martin	95CV-228RL	IN	NORTHERN
Bretall	John	2:01CV194JM	IN	NORTHERN
Brooker	Robert	2:01CV 100JM	IN	NORTHERN
Brown	Carneal	2:00CV 656JM	IN	NORTHERN
Brown	Raymond	2:00CV 00658	IN	NORTHERN
Buncheck	Eugene	2:00CV 00653	IN	NORTHERN
Burmeister	Dale	2:01CV 101RL	IN	NORTHERN
Cain	Jack	2:01CV 89RL	IN	NORTHERN
Caldwell	David	96CV-062RL	IN	NORTHERN
Campbell	James	2:00CV 772RL	IN	NORTHERN
Cashman	Robert	2:01CV 98RL	IN	NORTHERN
Castaneda	Eliseo	2:00CV 00662	IN	NORTHERN
Cazallis	Harvey	96CV-062RL	IN	NORTHERN
Chapman	Jonas	95CV-228RL	IN	NORTHERN
Christopher	Calvin	95CV-228RL	IN	NORTHERN
Christopher	Jonnie	2:00CV 00664	IN	NORTHERN
Clark	David	2:01CV215RL	IN	NORTHERN
Clark	Sidney	95CV-228RL	IN	NORTHERN
Clendenen	John	2:00CV 773JM	IN	NORTHERN
Cline	Jay	2:00CV 00665	IN	NORTHERN
Cohan	William	95CV-228RL	IN	NORTHERN
Coleman	Donald	95CV-228RL	IN	NORTHERN
Collier	William	2:00CV 667RL	IN	NORTHERN

Collins	Oscar	2:01CV187RL	IN	NORTHERN
Comer	Carter	2:00CV 00668	IN	NORTHERN
Comer	Henry	2:00CV 00669	IN	NORTHERN
Cook	Arcine	96CV-062RL	IN	NORTHERN
Crnarich	Thomas	2:00CV 670RL	IN	NORTHERN
Darchuck	William	96CV-062RL	IN	NORTHERN
Davis	Guy	96CV-062RL	IN	NORTHERN
Davis	Johnnie	2:01CV 239RL	IN	NORTHERN
DePaula	Del	2:00CV673RL	IN	NORTHERN
Deberry	OC	95CV-228RL	IN	NORTHERN
Demetris	James	2:01CV193RL	IN	NORTHERN
Dixon	Roy	2:00CV674JM	IN	NORTHERN
Dixon	William	2:01CV 222JM	IN	NORTHERN
Duckery	Eddie	2:01CV 81JM	IN	NORTHERN
Dugger	Leo	95CV-228RL	IN	NORTHERN
Edmond	James	2:00CV 775JM	IN	NORTHERN
Edwards	Alfred	96CV-062RL	IN	NORTHERN
Edwards	Fred	96CV-062RL	IN	NORTHERN
Elbaor	Leonard	2:00CV 676JM	IN	NORTHERN
Elias	Mike	2:01CV 219RL	IN	NORTHERN
Ensminger	Michael	95CV-228RL	IN	NORTHERN
Eubanks	Warren	95CV-228RL	IN	NORTHERN
Everett	Albert	2:01CV 189RL	IN	NORTHERN
Faughn	Billy	2:01CV 80RL	IN	NORTHERN
Ferran	Miguel	95CV-228RL	IN	NORTHERN
Filchak	Guy	95CV-228RL	IN	NORTHERN
Fisher	Stanley	2:01CV 040JM	IN	NORTHERN
Flores	Oscar	2:01CV 99RL	IN	NORTHERN
Fornal	Joseph	2:01CV 220JM	IN	NORTHERN
Gann	Raymond	95CV-228RL	IN	NORTHERN
Garcia	Guadalupe	2:01CV232JM	IN	NORTHERN
Garmany	Raymond	2:01CV 186JM	IN	NORTHERN
Garza	Jesus	2:01CV 283JM	IN	NORTHERN
George	Greg	2:01CV 235RL	IN	NORTHERN
Giles	Walter	95CV-228RL	IN	NORTHERN
Gold	Norman	95CV-228RL	IN	NORTHERN
Gonzales	Olerio	2:01CV 208JM	IN	NORTHERN
Gonzalez	Antonio	2:01CV207RL	IN	NORTHERN
Gray	Liston	95CV-228RL	IN	NORTHERN
Greenwell	Bernard	2:00CV 785JM	IN	NORTHERN
Hale	Durral	2:01CV 236JM	IN	NORTHERN
Hamby	J	95CV-228RL	IN	NORTHERN
Hamer	Robert	2:00CV 680JM	IN	NORTHERN
Hamilton	James	2:01CV 202JM	IN	NORTHERN
Hamilton	Roy	96CV-063JM	IN	NORTHERN
Hamlin	Robert	2:01CV 279JM	IN	NORTHERN
Harretos	Harry	95CV-228RL	IN	NORTHERN
Hayes	Charles	95CV-228RL	IN	NORTHERN
Heath	Leroy	2:01CV 201RL	IN	NORTHERN
Heckford	Elton	95CV-228RL	IN	NORTHERN
Hedrick	Lloyd	2:00CV 00683	IN	NORTHERN

Hernandez	Alfred	2:00CV 776JM	IN	NORTHERN
Hernandez	Julian	2:00CV 00684	IN	NORTHERN
Hiatt	Richard	2:01CV 103RL	IN	NORTHERN
Hightshue	Daniel	95CV-228RL	IN	NORTHERN
Hill	Bill	95CV-228RL	IN	NORTHERN
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Hollan	Forest	2:00CV 774RL	IN	NORTHERN
Holland	Allen	2:01CV 231RL	IN	NORTHERN
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Horbach	John	2:01CV 245RL	IN	NORTHERN
Humpfer	Curtis	95CV-228RL	IN	NORTHERN
Iseminger	Earl	95CV-228RL	IN	NORTHERN
Jackey	Robert	95CV-227JM	IN	NORTHERN
Jansky	George	2:01CV 280RL	IN	NORTHERN
Jarvis	William	95CV-227JM	IN	NORTHERN
Jones	James	2:00CV688RL	IN	NORTHERN
Keilman	Leonard	2:00CV 690RL	IN	NORTHERN
Kester	Clarence	96CV-063JM	IN	NORTHERN
Kloss	Vern	2:01CV 048RL	IN	NORTHERN
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Kusmierz	Stanley	95CV-227JM	IN	NORTHERN
Lardydell	Arthur	2:01CV 209RL	IN	NORTHERN
Ledbetter	Norwood	95CV-227JM	IN	NORTHERN
Lepucki	Joseph	95CV-227JM	IN	NORTHERN
Lindau	Robert	95CV-227JM	IN	NORTHERN
Lockett	Woodie	2:01CV 218JM	IN	NORTHERN
Longoria	Porfirio	2:01CV 275JM	IN	NORTHERN
Lopez	Daniel	2:00CV 00693	IN	NORTHERN
Lozano	Jose	2:01CV 72JM	IN	NORTHERN
Luna	Alfred	2:00CV 786JM	IN	NORTHERN
Luna	William	2:00CV694JM	IN	NORTHERN
Mahoney	Francis	2:01CV-106JM	IN	NORTHERN
Manzo	Araldo	2:00CV 696JM	IN	NORTHERN
Martin	Robert	2:00 CV 581 JM	IN	NORTHERN
Martinez	Emilio	2:00CV698JM	IN	NORTHERN
Martinez	Jesus	2:00CV699RL	IN	NORTHERN
Massey	L	2:00CV 700JM	IN	NORTHERN
Mayes	Clarence	2:01CV 216JM	IN	NORTHERN
McKamey	Paul	2:00CV 701RL	IN	NORTHERN
Medina	Alfonso	2:01CV 90JM	IN	NORTHERN
Mendoza	Arthur	2:01CV 244JM	IN	NORTHERN
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Mikash	Ronald	2:00CV 705RL	IN	NORTHERN
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Mills	Thomas	2:01CV 83JM	IN	NORTHERN
Molina	Luis	95CV-227JM	IN	NORTHERN
Moore	Carl	95CV-227JM	IN	NORTHERN
Morrow	Charles	96CV-063JM	IN	NORTHERN



Moser	Max	2:01CV 039JM	IN	NORTHERN
Mudryk	Frank	2:97CV-325-JM	IN	NORTHERN
Mundy	James	95CV-227JM	IN	NORTHERN
Murphy	John	95CV-227JM	IN	NORTHERN
Myres	Paul	2:00CV 771JM	IN	NORTHERN
Nelson	John	2:01CV 192JM	IN	NORTHERN
Norricks	Darwin	2:00CV 706RL	IN	NORTHERN
Novales	Gilberto	2:00CV 707JM	IN	NORTHERN
Ochs	Joseph	2:01CV 038JM	IN	NORTHERN
Olenik	Walter	2:01CV 205RL	IN	NORTHERN
Osborn	Reginald	2:01-CV-447 RL	IN	NORTHERN
Osby	Thomas	95CV-227JM	IN	NORTHERN
Pampalone	Angelo	95CV-227JM	IN	NORTHERN
Pena	Al	96CV-064JM	IN	NORTHERN
Phelan	Corwin	96CV-064JM	IN	NORTHERN
Pintor	Federico	2:00CV 711JM	IN	NORTHERN
Polewski	Daniel	2:01CV 041RL	IN	NORTHERN
Potat	John	2:01CV 212JM	IN	NORTHERN
Pozywio	Raymond	2:00CV 00712	IN	NORTHERN
Pullins	Donald	95CV-227JM	IN	NORTHERN
Raganyi	George	95CV-227JM	IN	NORTHERN
Ramirez	Alfredo	2:01CV 70JM	IN	NORTHERN
Ramirez	Robert	2:00CV 714JM	IN	NORTHERN
Ray	Kermit	2:01CV 82RL	IN	NORTHERN
Richardson	Fred	2:00CV 715JM	IN	NORTHERN
Robertson	Ace	2:01CV 73JM	IN	NORTHERN
Rodriguez	Salvador	2:00CV 717RL	IN	NORTHERN
Rubino	Romano	95CV-227JM	IN	NORTHERN
Ruesken	Arthur	2:01CV 049JM	IN	NORTHERN
Runyon	David	95CV-227JM	IN	NORTHERN
Saldivar	Guadalupe	2:00CV 00719	IN	NORTHERN
Salzer	Hargis	2:01CV 226JM	IN	NORTHERN
Sanchez	Rudolph	2:01CV197RL	IN	NORTHERN
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Sassman	Allan	95CV-227JM	IN	NORTHERN
Schmidt	Cordell	2:00CV 720JM	IN	NORTHERN
Selby	Luther	2:00CV 00722	IN	NORTHERN
Sendejas	Vidal	2:00CV723RL	IN	NORTHERN
Sepulveda	Joe	2:00CV 724RL	IN	NORTHERN
Skorka	Joe	96CV-064JM	IN	NORTHERN
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Smith	Homer	2:00CV 727RL	IN	NORTHERN
Smith	Jerry	2:01CV 71RL	IN	NORTHERN
Smith	Stephen	95CV-227JM	IN	NORTHERN
Smith	William	2:01CV 042JM	IN	NORTHERN
Solis	Alonzo	2:01CV 243RL	IN	NORTHERN
Sparks	Rudy	96CV-064JM	IN	NORTHERN
Sperry	James	95CV-227JM	IN	NORTHERN
Stamper	Sherman	2:00CV 730RL	IN	NORTHERN
Steininger	Thomas	96CV-064JM	IN	NORTHERN
Stoynoff	Michael	2:01CV 229RL	IN	NORTHERN

Stugis	Anthony	2:00CV 731JM	IN	NORTHERN
Sufak	Robert	2:00CV732JM	IN	NORTHERN
Sumner	Gerald	2:01CV 241RL	IN	NORTHERN
Szpak	Robert	2:00CV 734RL	IN	NORTHERN
Thompson	Raymond	2:00CV 735JM	IN	NORTHERN
Tibbs	Jimmie	2:00CV 737JM	IN	NORTHERN
Tomko	Stephen	2:00CV738RL	IN	NORTHERN
Torrence	Johnnie	96CV-064JM	IN	NORTHERN
Tredway	Richard	2:01CV 228JM	IN	NORTHERN
Trevino	Amando	2:01CV 85RL	IN	NORTHERN
Truett	Clarence	95CV-227JM	IN	NORTHERN
Tucker	Wendall	96CV-064JM	IN	NORTHERN
Veljanoski	Milutin	2:01CV247RL	IN	NORTHERN
Vera	Adam	2:00CV743JM	IN	NORTHERN
Waldron	Douglas	2:01CV246JM	IN	NORTHERN
Wedow	Robert	2:01-CV-449 RL	IN	NORTHERN
Williams	Bruce	2:01CV 227RL	IN	NORTHERN
Williams	Lynn	2:00CV 740RL	IN	NORTHERN
Wilson	John	95CV-227JM	IN	NORTHERN
Wolfe	Patrick	2:01CV 224JM	IN	NORTHERN
Zarantonello	Peter	96CV-064JM	IN	NORTHERN

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NORTHERN DISTRICT OF INDIANA**

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Tanya R Hatfield, Esq.  
David J. Mallon, Esq.  
Nancy Menard Riddle, Esq.  
Laure Flaniken, Esq.  
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